

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY
1979 S. State Street
Dover, DE 19901

Minutes of the January 25, 2024 Board Meeting

Authority: Jerome Rogers (Acting Chair)
Andy Strine
Richard Hrycyshyn
William Dunn
George Meldrum
Patrick Malone (Non-Voting Member)

Legal Counsel: Melissa Rhoads

Gregory Sutton (Executive Director)
Jane Sabo (Assistant to the Executive Director)

Other: Jen Allen - FSMHA
Dietmar Panzig – Southern Meadow Community

I. Call to Order – 1:31 P.M.

Mr. Rogers called the meeting to order at 1:31 p.m. There was a quorum.

II. Review and Approval of Minutes:

The December 7, 2023 minutes were reviewed. Mr. Dunn suggested that the minutes should identify who made a motion, and who seconded the motion. Mr. Sutton added that it is not necessary per Roberts Rules of Order. No one opposed Mr. Dunn's suggestion, that beginning with the next meeting, the names of the individuals making motions, will be included. A motion was made and seconded that beginning with the next meeting, names of those making motions and seconding motions will be included. The motion passed 5-0. There was a motion made and seconded to approve the December meeting minutes as written. The motion passed 5-0.

III. Chair's Report:

- Mr. Rogers stated that he was happy to accept the position of acting chair. This was discussed in more detail later in this meeting.
- Roberts Rules of Order will be followed for all subsequent meetings.
- Mr. Rogers noted that applications for benefits to tenants listed their social security numbers. He stated that such information is considered PII (Personal Identifiable Information), and is not required to be listed on any of our required documents to community owners or tenants. All forms that DEMHRA uses will be updated to delete any reference to social security numbers.
- Mr. Rogers asked the individual board members if they had anything that they would like to discuss. This procedure will be incorporated at all future meetings.
- Mr. Malone added that the hearings for Pine Haven are complete and the date to vacate is 2/25/24. There are still 17 tenants that have not applied for relocation benefits, nine (9) of whom live in mobile homes and eight (8) in RV's. Mr. Sutton added that there are some tenants living in RV's that do not have the titles. In a previous board meeting, this was discussed to approve these applications on a case-by-case basis if the tenants can prove residency.

- Mr. Dunn was informed that a resident of Glasgow Court (the community went through a change in use in 2018), gave her DMV title to the landowner of Glasgow Court. She is now in the process of applying for disability and was told she still has her home listed as an asset. She informed them that she vacated the home over five (5) years ago. Mr. Sutton added that this has already been taken care of. He was contacted by this individual and a letter was sent to her and to the New Castle County tax office, verifying that the home no longer exists as it was demolished in 2016.

IV. Executive Director's Report:

Since the last meeting, the following has occurred:

- The Trust Fund operating account was replenished to bring it back up to \$60,000.
- Petty cash was replenished to bring it back up to \$500.
- Mr. Sutton received a phone call from a tenant regarding lot rent assistance. He looked into this inquiry and referred to Section 7022 of Chapter 70, Lot Rent Assistance Program. This is between the landowner and the tenant. Certain criteria must be met such as income, age, etc. He sent a copy of Section 7022 to the tenant.
- The new mileage rate effective January 1, 2024 is \$.67 per mile. All forms were updated to reflect the new mileage rate.
- Mr. Sutton added that he is a member the National Association of Black Veterans (NABVETS). The organization expressed an interest in renting one of the vacant rooms in our office. He spoke to Dr. Thomas, owner of our building, who gave his permission. This is not a sublet. The rent will be \$400 a month. payable directly to the realtor who handles the leases for Dr. Thomas. The organization must provide a certificate of liability insurance. It is anticipated that they will move in the beginning of March. They will use the room on Saturdays and maybe once or twice during the week. Mr. Strine suggested that since this is an additional source of income for Dr. Thomas, he should consider not increasing DEMHRA's rent for a number of years. Mr. Sutton will discuss this with Dr. Thomas.

V. Legal Counsel Report:

- Countryside Mobile Estates, Bowers MHP, Lakeside Homes, and Laurel Village have paid and are no longer delinquent. Changing Fates and County Seat Gardens responded to the demand letters and indicated that they will be paying. Due to the length of time that it takes for the checks to route through the system, it is not known if they paid at this time. By the next meeting we should have an update.
- Some communities would like to pay their assessment fees for the entire year. This is not a problem, as long as one check per coupon, per quarter is submitted and can be matched. The checks are deposited upon receipt, and if the proper procedure is not followed, it results in the payment not being applied to their account, thus the community shows up on the Division of Revenue's delinquent report. Ms. Hambleton apprised Ms. Rhoads that there continues to be issues with checks sent without coupons, or missing information on coupons such as EIN number or some other type of ID, all resulting in payments not being applied to the accounts.

VI. Approval of Financial Matters:

A. Recent Financial Activity & Report:

The December report was reviewed by Mr. Sutton. This report was for informational purposes only and will be posted on the DEMHRA website.

B. Approval of invoices:

The following invoices were presented for approval:

Tighe & Cottrell invoice for legal services in the amount of \$1,095.35.

Moore & Rutt invoices for legal fees for Docket 2021- Ridgewood in the amounts of \$45.00 and \$950.00.

W. B. Mason for copier paper in the amount of \$159.20.

A motion was made and seconded to approve all the above invoices collectively. The motion passed 5-0.

VII. Reports:

A. Compliance Matters (Executive Director):

1. Compliance Investigator Report:

Nothing to report.

2. Delinquent Parks Report:

No update. Quarter 1 2024 is due by January 20, 2024 so there will probably be activity to report at the next meeting.

3. Community Owner Annual Registration Forms Returned:

Forms are due by January 31, 2024. To date, 75 of 176 forms were returned. Work orders will be assigned to compliance investigators after January 31st to audit those communities not returning their registration forms.

B. Arbitration (Update on Status of Open Dockets):

Docket 04-2019 (Wild Meadows: In Superior Court - As of 11/30/23, the Court has not indicated whether additional information is required from the parties as a result of the DE Supreme Court's decision to the Shady Park 2021 appeal. The Court has not indicated whether it desires argument of the parties. No update since 12/7/23.

Docket 04-2020 (Wild Meadows): In Superior Court - As of 11/30/23, case is fully briefed and argument was held before the Superior Court on 9/22/23. The matter is now under submission. No update since 12/7/23.

Docket 02-2021 (Ridgewood Manor): Arbitration - Mr. Sharp has given the attorneys of both parties until February to update information.

Docket 03-2021 (Canterbury Crossing): Superior Court - As of 12/1/23, case is still in Superior Court, with briefing scheduled at the end of January into June. No update since 12/7/23.

Docket 04-2021 (Pot-Nets Lakeside): Superior Court - As of 12/1/23, case is still in Superior Court, with briefing scheduled at the end of January to June. No update since 12/7/23.

C. Rent Increase Certification Requests (December):

There were 36 violation letters and rent certifications in December. There was a community that sent in a rent certification request with the incorrect CPI-U. The date of request to DEMHRA must be on or after the date of the most recent CPI-U. That community corrected and resubmitted the increase request. DEMHRA no longer requires the community to provide proof of mailing when they send the rent increase notices to their tenants.

Mr. Rogers and Mr. Sutton recently discussed the possibility of implementing a procedure to audit violation letters to assure that they are accurate as far as not having any safety violations. Mr. Sutton does not have the staff to audit all of them each month. Mr. Rogers suggested a random audit of 10% each month that would involve contacting the three agencies that would be aware of any safety violations (DNREC, Department of Health, and the Bureau of Public Works for each county). A community owner cannot increase the rent under Section 7052A or Section 7052B, if during the 12 months preceding the date of the notice of the rent increase, there has been no health or safety violations in the manufactured home community that continued for 15 or more consecutive days. This does not mean that they cannot raise the rent if there is not a final adjudication. Donovan-Smith's safety violations were briefly discussed.

The Sussex County Bureau of Public Works has been notifying DEMHRA of the status when rent increases are requested for Donovan-Smith. Mr. Sutton will notify Ms. Allen and DMHOA that random audits will be done. Mr. Sutton will send the procedure that DEMHRA will follow up for verification of no safety violations with the three agencies listed above. The Bureau of Public works for Sussex County has been notifying DEMHRA about the status of the safety violations for Donovan-Smith.

Unfinished Business:

A. Update on Parks for Sale:

Country Acres: As of 1/17/24, no update from owner.

Daltons MHP: As of 1/17/24, no update from owner.

Mr. Strine suggested dropping Country Acres from the report since more than a year has passed since the initial notification of intent to sell is expired. Since they have not sent a new letter to their tenants, it is presumably not for sale.

B. Update on Parks Going Through Change in Use:

1. Lynch's – The number of affected tenants is 8. We received 4 applications that include 2 abandoned and 2 evictions. There are still 4 vacant trailers where the tenants were either evicted, or abandoned their homes. Next month we may be getting applications for demolition benefits.

2. Pine Haven - There are 9 applications. Of those, one (1) was relocatable, 8 were non-relocatable, and 0 were abandoned.

There are 26 remaining to apply until February. Mr. Malone added that they have been telling the tenants they need to apply for benefits. They have also been reaching out the CLASI who is working with a number of the tenants. The landowners have been making separate private deals to get them to vacate, which is separate from the tenants also receiving benefits from DEMHRA if they apply. The February 25th deadline can be extended if the landowner so chooses. Ms. Rhoads requested clarification on the number remaining. Mr. Malone indicated there are 7 mobile homes and 8 RV's remaining according to some of the residents he has talked to. Mr. Sutton suggested sending our compliance officers to audit the remaining homes. Mr. Malone became aware of some allegations that Blue Beach Bungalows is removing some of the mobile homes and people haven't gotten everything out or have not yet moved out.

3. Timberlane – We have not received any new applications in the past two months. They began with 104 and of the 86 applications received so far, 15 were relocatable, 64 were non-relocatable, 7 were abandoned, leaving 18.

C. Approval of Applications:

There were no applications submitted for approval.

D. New Community Owner Orientation Update:

The correspondence containing new owner information was sent to all the communities in early January. We have not received any feedback other than Ms. Faries who questioned why her clients were receiving this information. She was told that it was general educational guidance.

VIII. New Business:

A. CPI-U Update:

Effective January 16, 2024, the CPI-U is 5.147%. The current CPI-U must be used for rent increase requests.

B. Appointment of Permanent Chair: Per Mr. Rogers, this will carry into executive session.

C. Create Handbook for Chair: Per Mr. Rogers, this will carry into executive session.

D. Annual HOA Registration Letter and Form to all HOA's:

Letters were sent to all HOA's in early January requesting updated information and registration forms.

E. On-Line Trust Fund Assessment Payments (Paper Copies No Longer Accepted):

Mr. Sutton was notified by the Division of Revenue that beginning in 2024, assessment payments must be paid on-line. Paper coupons will be phased out. Mr. Sutton volunteered to head an ad hoc committee for the purpose of providing the community owners with some type of training. Mr. Strine added that this probably would not be necessary since Ms. Allen is the logical contact, and she could probably send out an email notifying the community owners of the change. He thought it may be a problem for the smaller "mom and pop" communities who may have difficulty paying on-line.

F. Trust Fund Accounts with Credit Balances:

Our office coordinated with Ms. Hambleton of the Division of Revenue to create a letter with the procedure to follow so that credits on accounts could be properly applied to zero them out. Those communities showing credits were sent the letter. A copy of that email will be forwarded to Ms. Rhoads and Ms. Allen.

IX. Public Comments:

Mr. Panzig asked what the new CPI-U was, and the information was provided to him.

X. Executive Session:

There were two items under “New Business” that warranted convening an executive session. A motion was made and seconded to go into an executive session. The motion passed 5-0, and the Board adjourned and went into executive session at 2:19 p.m.

XI. Next Meeting:

The Board set the next meeting for Thursday, February 29, 2024 at 1:30 PM. Mr. Dunn requested a Zoom meeting in February since he cannot attend personally. In the past there have been technical issues with the Zoom meetings. After discussion it was decided that Mr. Dunn should call in to join the meeting.

XII. Adjournment:

The meeting was adjourned at 2:19 p.m.

Respectfully submitted,

Gregory Sutton
Executive Director

Pursuant to 29 Del. Code Section 10004(e), this agenda may be changed to include additional items (including executive sessions) or the deletions of items (including executive sessions) which arise at the time of the Authority’s meeting.